

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT
OF PENNSYLVANIA

Michael Miller,
Plaintiff,

v.

County of Lancaster,
Tammy Bender,
Jacqueline Pfursich,
Joshua Parsons,
Ray D'Agostino,
Christa Miller,

Defendants.

Civ. No: 5:24-cv-05338-JFL

**PLAINTIFF'S NOTICE OF OBJECTION TO EXTENSION AND
RESERVATION OF RIGHTS**

This Notice is filed pursuant to FRCP 6, FRCP 7, and FRCP 1 to ensure fair and timely resolution. Plaintiff acknowledges the Court's order granting the Defendants' motion for an extension, allowing them until November 20, 2024, to file a response to the amended complaint. Plaintiff reserves the right to provide further briefing on this matter without waiver of any arguments presented herein.

- 1. Concerns Regarding Extension:** Plaintiff notes that the motion for extension fails to meet the specificity and sufficiency requirements of FRCP 6 and FRCP 7. While Plaintiff does not formally object to the extension at this time, it is essential to register these concerns as part of the record. This

documentation may prove important for any future appeals or motions, as it demonstrates that Plaintiff has taken steps to address potential delays.

2. Concerns Regarding Treatment of Petition: The Supreme Court in *Freeman* prohibits subjecting First Amendment rights to “*interminable judicial review*” (380 U.S. 51, 59 (1965)) and mandates prompt action. Similarly, *Elrod* asserts that “*the loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury*” (427 U.S. 347, 373 (1976)). The procedural history of Plaintiff’s petitions reveals a pattern of lawyers manipulating language to misuse jurisdiction, misapply procedural rules, evade accountability, and ultimately deny a Petition for redress of First Amendment grievances. Such delays unlawfully and irreparably accrue harm to Plaintiff and hinder his ability to seek timely justice and resolution of constitutional claims.

3. Request for Stipulated Conditions on Extension: To prevent further irreparable harm, Plaintiff requests that if Defendants’ counsel files motions under FRCP 12(b)(6) or FRCP 12(b)(1), they must file a supporting brief concurrently, and that the Court rules on such motions within 30 days from the date of filing. This stipulation is a necessary, just, and mitigating factor

that ensures the extension serves a legitimate purpose and does not become a bad-faith tactic to delay the timely adjudication of Plaintiff's claims. Plaintiff requests that Defendants provide a response to this stipulation within seven days from the date of this Notice.

Reservation of Rights: Plaintiff reserves all rights to challenge this extension and any subsequent delays, including the right to seek appellate review if these tactics continue to obstruct the fair and timely adjudication of his claims, thereby ensuring the protection of Plaintiff's constitutional rights.

Challenge to Discretionary Rulemaking: Plaintiff asserts that FRCP 1, FRCP 6, FRCP 7, FRCP 12(b)(1), FRCP 12(b)(6), and FRCP 12(a)(4) are strict rules with binding precedents of application designed to uphold fairness and transparency. Plaintiff objects to the use of vague and indefinite language in this case to expand judicial discretion or justify delays that undermine rules, laws, and rights.

Respectfully Submitted:

/s/ Michael Miller
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Date: November 1, 2024

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing document to be served by electronic filing (e-filing) to the following parties on November 1, 2024.

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Respectfully Submitted,

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Dated: November 1, 2024